

BEFORE THE BOARD OF MEDICAL EXAMINERS
OF THE STATE OF NEVADA

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In The Matter of Charges and)
Complaint Against)
JAMES TATE, M.D.,)
Respondent.)

Case No. 09-9809-1

FILED

DEC 01 2009

NEVADA STATE BOARD OF
MEDICAL EXAMINERS

COMPLAINT

The Investigative Committee of the Nevada State Board of Medical Examiners, composed of Charles N. Held, M.D., Benjamin J. Rodriguez, M.D., and Jean Stoess, M.A., by and through Edward Cousineau, General Counsel for the Nevada State Board of Medical Examiners, having a reasonable basis to believe that James Tate, M.D., hereinafter referred to as "Respondent," has violated the provisions of NRS Chapter 630, hereby issues its formal Complaint, stating the Investigative Committee's charges and allegations, as follows:

1. Respondent is licensed in active status to practice medicine in the state of Nevada, and at all times alleged herein, was so licensed by the Nevada State Board of Medical Examiners, pursuant to the provisions of Chapter 630 of the Nevada Revised Statutes.

2. Patient A was a fourteen-year-old male at the time of the events at issue. His true identity is not disclosed herein to protect his privacy, but is disclosed in the Patient Designation served on Respondent along with a copy of this Complaint.

3. Patient A was admitted to University Medical Center (UMC) in Las Vegas, Nevada on August 2, 2008, after he was seriously injured when he was run over by an automobile and dragged beneath it for several feet. Patient A was subsequently evaluated by Respondent, and on August 4, 2008, Respondent recommended Patient A's discharge to home.

4. Patient A, along with members of his family, including his father and

grandmother, again presented to UMC on August 5, 2008. Respondent was again contacted to assist with a medical evaluation of Patient A. During the consultation with Patient A, a dispute arose between members of Patient A's family and Respondent regarding the appropriateness of Respondent's recommendation that Patient A should be discharged once again. Percipient evidence indicates that Patient A's father and Respondent exchanged profanities with each other, with one of Respondent's comments denigrating Patient A's grandmother. In response, Patient A's father confronted Respondent about his statement. Patient A's grandmother attempted to quell the matter between Patient A's father and Respondent, and in the process, was battered by Respondent. UMC hospital personnel then interposed themselves to separate the parties and Respondent left the area.

COUNT I

5. All of the allegations in the above paragraphs 1 through 4 are incorporated herein as if set forth in full.

6. Section 630.301(6) of the Nevada Revised Statutes provides that disruptive behavior with patients that interferes with patient care or has an adverse impact on the quality of care rendered to a patient is grounds for discipline.

7. Respondent violated Section 630.301(6) by engaging in behavior that was disruptive and which had an adverse impact on the quality of care provided to the patient by Respondent.

8. By reason of the foregoing, Respondent is subject to discipline by the Nevada State Board of Medical Examiners as provided in NRS 630.352.

COUNT II

9. All of the allegations in the above paragraphs 1 through 4 are incorporated herein as if set forth in full.

10. Section 630.301(9) of the Nevada Revised Statutes provides that engaging in conduct that brings the medical profession into disrepute is grounds for discipline.

11. Respondent violated Section 630.301(9) by engaging in conduct that brought the medical profession into disrepute.

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1 **WHEREFORE**, the Investigative Committee prays:

2 1. That the Nevada State Board of Medical Examiners fix a time and place for a formal
3 hearing;


4 2. That the Nevada State Board of Medical Examiners give Respondent notice of the
5 charges herein against him, the time and place set for the hearing, and the possible sanctions against
6 him;

7 3. That the Board determine what sanctions it deems appropriate to impose for the
8 violation committed by Respondent; and

9 4. That the Board make, issue and serve on Respondent its findings of facts,
10 conclusions of law and order, in writing, that includes the sanctions imposed.

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12 DATED this 1st day of December, 2009.

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14 By:

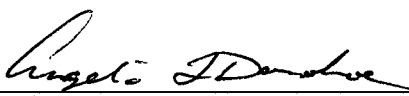

Edward Cousineau
Attorney for the Investigative Committee of the
Nevada State Board of Medical Examiners

CERTIFICATE OF MAILING

I hereby certify that I am employed by Nevada State Board of Medical Examiners and that on the 1st day of December 2009, I served a file copy of the COMPLAINT, PATIENT DESIGNATION and copy of the Appointment Letter along with FINGERPRINT INFORMATION, by mailing USPS certified mail to the following:

James Tate, M.D.
501 S. Rancho Dr., Suite E-32
Las Vegas, NV 89106

Dated this 1st day of December 2009.



Angelia Donohoe
Legal Assistant